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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH  
1600 TCF TOWER  
121 SOUTH EIGHT STREET  
MINNEAPOLIS, MN 55402

EXAMINER

SANDY, ROBERT JOHN

ART UNIT PAPER NUMBER

3677

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/806,664

Applicant(s)

LEVA ET AL.

Examiner

Robert J. Sandy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9,11-13,15,17-24 and 26-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12,13,15 and 26-30 is/are allowed.
- 6) ☒ Claim(s) 1,4-6,9,11 and 17-24 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This Final Office action is responsive to the reply filed on 29 August 2005.

- Claims 3, 10, 14, 16, and 25 were canceled.
- Claims 26-30 were added.
- Claims 1, 4-8, 12, 17 and 19 were amended.
- Claims 1, 2, 4-9, 11-13, 15, 17-24 and 26-30 are pending.
- A Substitute paragraph beginning at page 12, line 8 has been approved for entry.

### ***Specification***

The incorporation of essential material in the specification by reference to a foreign application or patent, i.e., European Patent Publication Nos. EP-A-1300093 and EP-A-1300094, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f).

### ***Claim Objections***

Claim 4 is objected to because of the following informalities: In claim 4, line 1, there is no antecedent basis for "the latch body". The phrase "the latch body" should be changed to read as - - said latch body portion - - to be consistent with "latch body portion" established in base claim 1. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-6, 9, 11, and 17-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Nam et al. (U. S. Patent No. 6,062,051).

Concerning claims 1, 4-6, 9, and 11, Nam et al. ('051) discloses a slider (2, Fig. 3A) for a slide fastener, the slider having a member (30) for latching the slider to a co-operating slider, wherein the slider has a slider body portion (Fig. 7) which is slidable over elements of a slide fastener to engage and disengage the elements, and a latch body portion (31) integrally formed with the latching member, the latch body portion being removably mounted (via coupling ring 51 "to be removed at will,"; col. 2, line 49) on the slider body portion;

(concerning claim 4, as best understood) the latch body [portion] is connected to the slider body portion by a form locking connection (via 23, 51);

(concerning claim 5) the slider body portion has a crown (22, see Fig. 3A) for receiving a puller, the crown being mounted at one end on a surface of the slider body portion, and the latch body portion co-operating (i.e., integrally attached) with the crown to hold the latch body on the slider body portion;

(concerning claim 6) the latch body portion (integrally) engages with the crown at the said one end;

(concerning claim 9) the slider body portion is integrally formed; and

(concerning claim 11) the slider further having a co-operating slider (1), the co-operating slider having a slide body portion (11) and a separately formed latch body portion (13, 14) for co-operating with the other latch body portion.

Concerning claims 17-24, Nam et al. ('051) discloses a slider (2, Fig. 3A) having a slider body portion (21) which is slidable over elements of a slide fastener to engage and disengage the elements, and a surface body portion (30) removably mounted (via coupling ring 51 "to be removed at will,"; col. 2, line 49) on an upper surface of the slider body portion;

(concerning claim 18) the surface body portion is decorative;

(concerning claim 19) the slider body portion has a crown (22, see Fig. 3A) for receiving a puller, the crown being (integrally) mounted at one end on a surface of the slider body portion, and the surface body portion co-operates with the crown to hold the surface body portion on the slider body portion;

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(concerning claim 20) the surface body portion (integrally) grips the crown at the said one end;

(concerning claim 21) the other end of the crown is spaced from the surface of the slider body portion, and the surface body portion is sandwiched between the other end of the crown and the surface of the surface body portion;

(concerning claim 23) the slider body portion is integrally formed; and

(concerning claim 24) the surface body portion is integrally formed.

#### ***Allowable Subject Matter***

Claims 12, 13, 15, and 26-30 are allowed.

Claim 26 is allowed which includes the allowable subject matter, indicated in the prior Office action, of claim 22 and any intervening claims.

Claim 29 is allowed which includes the allowable subject matter, indicated in the prior Office action, of claim 8 and any intervening claims.

Applicant's amendment to claim 17 necessitated the new ground(s) of rejection to claim 22 presented in this Office action. Therefore, the indication of allowability to claim 22 indicated in the prior Office action has been withdrawn.

Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Regarding applicant's traversal of the objection "to the incorporation by reference of the EP-A-1300093 and EP-A-1300093 as being improper incorporation of essential material", is not found persuasive. Applicant's has erred in assuming the objection relates to subject matter of claims 10 and 25, and that since claims 10 and 25 have been canceled, the objection does apply. However, on page 2 first paragraph, of the prior Office action, does not include any relation to claims 10 and 25. Therefore, applicant's argument is not found persuasive.

Applicant's arguments with respect to claims 1 and 17 have been considered but are moot in view of the new ground(s) of rejection necessitated by applicant's amendment.

In view of applicant's amendment to claim 12, and further in view of applicant's argument found on page 11, fourth paragraph, regarding the latch body of DE'218 is not integrally formed with the latching member, and the limitations of the claimed slide fastener having first and second resilient latching members, in which the new cited reference of Nam et al. (U. S. Patent No. 6,062,051) does not disclose, the rejection to claims 1-7, 9, 11-21, 23 and 24 under 35 U.S.C. 102(b) as being anticipated by German Patent document No. DE 299 16 218 U1 indicated in the prior Office action has been withdrawn.

In view of applicant's amendment to the Specification, the objection to the specification indicated in the prior Office action has been withdrawn.

In view of applicant's amendment to claims 1 and 5-8, the claim objections indicated in the prior Office action have been withdrawn.

In view of applicant's cancellation of claims 10 and 25, the rejection under 35 U.S.C. § 112 to claims 10 and 25, indicated in the prior Office action has been withdrawn.

In view of applicant's amendment to claims 12 and 19, and cancellation of claim 16, the rejection under 35 U.S.C. § 112 to claims 12, 13, 15, 16 and 19, indicated in the prior Office action has been withdrawn.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 571-272-7073. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
ROBERT J. SANDY  
PRIMARY EXAMINER

Robert J. Sandy  
Primary Examiner  
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